MASS MEDIA in Belarus

E-NEWSLETTER

BRIEF ANNUAL REVIEW

Violations of Journalists' and Mass Media Rights in 2011


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АСАЦЫЯЦЫЯ ЖУРНАЛІСТАЎ БЕЛАРУСКАЯ

BELARUSIAN ASSOCIATION OF JOURNALISTS

www.baj.by

"Foreign oligarchs and some of their controlled media outlets couldn't help making use of the complicated situation. They unleashed a large-scale ideological, informational, and psychological war, aimed at discrediting the political leadership and the Belarusian model of social and economic development."

Appeal of Minsk City Council of Deputies 'To the capital residents'
http://minsk.gov.by/ru/actual/view/350/

"The governmental authorities attempt to make use of any cause in order to make silent the few remaining free voices in Belarusian media field...The governmental officials continue to address threatening statements to journalists with promises to sue them for 'the dances on the bones.' Obviously, the authorities regard any comments and versions they dislike this way."

Statement of the Belarusian Association of Journalists, April 20, 2011
http://baj.by/en/node/8975

"Don't suppress the last island of free word in our country! Leave the people their right to have their personal opinion and express it freely through their favorite newspapers!"

Open Letter by Zinaida Bandarenka, People's Artist of Belarus
to the President Alexander Lukashenka in connection with the issued ministerial claim
on closure of 'Narodnaya Vola' and 'Nasha Niva' newspapers
http://www.svaboda.org/content/article/16798162.html

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The political and economic crisis in Belarus exerted a determining influence on the situation with mass media in the country in 2011. It developed after the Presidential election on December 19, 2010 and the following wave of repressions against the opposition and civil society.

The most blatant violations of journalists' and media rights in 2011 were as follows:

- criminal prosecution of journalists;
- numerous detentions of journalists at protest actions during the whole year 2011;
- revocation of "Autoradio" broadcast license;
- institution of claims against "Narodnaya Vola" and "Nasha Niva" by the Ministry of Information of Belarus, aimed at closure of these independent periodical editions;
- return of 'ban lists' of actors, literary men, and musicians;
- restrictions on the free use of the Web;
- aggravation of economic discrimination of independent mass media.

CRIMINAL PROSECUTION OF JOURNALISTS

Criminal proceedings were initiated against seven journalists and BAJ members after the Presidential election on December 19, 2010. The media workers were charged with arrangement of mass riots and / or active participation in them. All of them were put into the KGB jail in Minsk. The list of detainees included, Iryna Khalip, "Novaya Gazeta" (Russia) newspaper correspondent, Alaksandr Atroshchankau, spokesman for a former presidential candidate Andrei Sannikau, Natallia Radzina, the



"Charter'97" Web-site Editor-in-Chief as well as the alternative presidential candidates' aides Siarhei Vazniak, the "Tovarisch" newspaper's Editor-in-chief, Pavel Seviarynets, BAJ Council member, an independent columnist Alaksandr Fiaduta, and a BAJ member Dzmitry Bandarenka. The judgments of guilty were returned to six of them in April - May 2011. Among other, two of them were sentenced to real terms of imprisonment. In particular, Alaksandr Atroshchankau was sentenced to 4 years of imprisonment in a reinforced regime colony. Dzmitry Bandarenka was sentenced to 2 years of imprisonment in a general regime colony.

On September 14, 2011, Alaksandr Atroshchankau was released from jail alongside with 10 other political prisoners, convicted for participation in 'mass riots' in Minsk on December 19, 2010 and pardoned by the president of Belarus.



A. Atroshchankau noted that he had been persistently proposed to write an appeal for mercy to the president in the colony, but he refused to follow the advice.

"I was present at the protest action on December 19, 2010 exclusively as a journalist and as a spokesman for a presidential candidate," A. Atroshchankau noted.

A journalist Natallia Radzina was charged with 'arrangement of mass riots' on December 19, 2010 too. However, she managed to flee the country at the end of March 2011. Reportedly, the criminal proceedings against her were terminated on August 23, 2011. Still, N. Radzina hasn't returned to Belarus for safety reasons. The 'Charter'97' Web-site editorial continues its activity from abroad. As reported on September 8, 2011, Natallia Radzina had been granted political asylum in Lithuania.

Traditionally, the official authorities resorted to criminal prosecution of media workers for 'defaming' and 'casting aspersions' on the president of Belarus. Thus, criminal proceedings were initiated against a Hrodna journalist Andrzej Paczobut for his critical articles, published in the "Gazeta Wyborcza" daily (Poland), on the "Belarusian Partisan" Web-site, as well as in his LJ blog poczobut.livejournal.com in 2010 – 2011. The media worker was taken into custody in April 2011.



The court sessions were closed to public. The judge of Leninski City District Court

of Hrodna found the journalist guilty of casting aspersions on the president of Belarus and sentenced him to three years of imprisonment with deferment of punishment for two years on July 5, 2011. At the same time, the journalist was exonerated from the blame of defaming the head of state. He was released from custody in the courtroom.



As reported in June 2011, criminal proceedings had been initiated against a blogger Yauhien Lipkovich. The civil journalist was charged with 'defamation of state symbols' (article 370 of the Criminal Code of Belarus) for publishing Photoshop illustrations in the personal LJ blog section – *lipkovich.livejournal.com*.

DETENTIONS OF JOURNALISTS DURING PROTEST ACTIONS

The police and other law enforcement agencies detained the journalists, who reported from mass public actions, all across the country during the whole year of 2011.

The most numerous detentions of journalists took place during the so-called 'silent protest' actions, arranged through the social networks.

Representatives of law enforcement agencies prevented the media workers from performing their professional duties. The reporters were detained and penalized on administrative charges. No less than 95 journalists were detained during the 'silent protest actions' in all Belarusian regions.



The law enforcement agents used force against media workers. In a number of cases, they battered the detained journalists and damaged their professional equipment.

22 journalists stood trials. 13 of them were sentenced to different terms of administrative arrest. Others were fined.

The police acted especially cruelly on July 3 and July 6, 2011. 20 and 28 journalists were detained respectively on these days.

The Belarusian Association of Journalists registered over 150 cases of detentions of journalists, while the latter implemented their professional duties in 2011. No less than 7 journalists were physically abused.



REVOCATION OF "AUTORADIO" BROADCAST LICENSE AND INSTITUTION OF CLAIMS AGAINST "NARODNAYA VOLA" AND "NASHA NIVA" BY THE MINISTRY OF INFORMATION OF BELARUS, AIMED AT CLOSURE OF THESE INDEPENDENT PERIODICAL EDITIONS

On January 10, 2011, the Ministry of Information of Belarus issued an official warning to the "Autoradio" FM radio station. The letter of caution was used by the National Committee on TV and Radio Broadcasting at the Ministry of Information of Belarus as a cause to deprive the FM radio station of its broadcast license. In particular, the Ministry charged the "Autoradio" editorial with disseminating of information that allegedly "contained public appeals to extremist activities."

To be more precise, the Ministry of Information considered an expression by a presidential candidate Andrei Sannikau – "the fate of your country is not decided in the kitchen, it is sealed in the Square" – delivered in his campaigning radio presentation to be a call to extremist activity. The "Autoradio" Ltd. made attempts to contest the arguable resolutions, taken by the Ministry of Information and the Committee, all in vain.

On April 27, 2011, the Ministry of Information of Belarus filed claims on closure of two leading independent periodical editions – "Narodnaya Vola" and "Nasha Niva" – to the Supreme Economic Court of Belarus. (It is worth mentioning that Belarusian official authorities returned these periodicals to the state-owned "Belposhta" and "Belsayuzdruk" press distribution networks as an expression of their readiness to start a dialogue with the EU structures in 2008.) The case evoked a large response both in Belarus and abroad.

Consequently, the Ministry of Information withdrew its claims on termination of "Nasha Niva" and "Narodnaya Vola" publishing on July 12 and July 13, 2011.

However, the Ministry initiated administrative proceedings against the "Narodnaya Vola" and "Nasha Niva" immediate afterwards. Finally, the periodicals were fined 14,000,000 Belarusian rubles (approx. EUR 2,000) each for breaking article 22.9, part 3 of Belarusian Code on Administrative Offences at the end of July 2011. (The article determines responsibility for receiving the repeated official warning within a year.)

The Ministry had never applied the legal norm before.



RETURN OF 'BAN LISTS' OF PERFORMERS, MUSICIANS, AND LITERARY MEN

Another alarming indicator of the real state of affairs with freedom of expression in the country was connected with appearance of a list of people of Arts and creative groups, banned for mentioning in the state-owned media and in the programs of FM radio stations in Belarus. The unofficial 'black list' was published in the Internet. It contained Belarusian and foreign musicians, artists, writers, and painters, including "DDT" and "Pet Shop Boys", the fiction writers Andrei Bitov and Eduard Uspienskiy, a playwright Tom Stoppard, the actors Jude Low and Kevin Spacey and others.

Some of them stood up in support of political prisoners in Belarus. Others took part in the Global Artistic Campaign of Solidarity with Belarus.

The Belarusian governmental officials deny the existence of any "black lists".

However, a series of bans for performances of music groups and musicians, mentioned in the list, including "Liapis Trubetskoy", "Neuro-Dziubel", "Krambambula", D. Vaytsiushkievich and others, confirms the existence of secret bans.

It is worth mentioning that similar "black lists" of the banned musicians used to exist in Belarus within the period after the previous Presidential election since 2006 till 2008. Presently, the lists have been broadened.

Apparently, it has become enough to share your views about the current socio-political processes in the country in order to get into the list, to be compared with the period in the past, when it was necessary to take part in opposition actions in order to be mentioned there.

RESTRICTIONS ON FREE ACTIVITY IN THE INTERNET

The Procurator-General's office passed a resolution on restriction of public access to *www.charter97.org* and *www.belaruspartisan.org* Web-sites, referring to their violation of Belarusian Law "On Mass Events in the Republic of Belarus" in the spring of 2011. The registered Web-providers were urged to disable access to these Web-sites from the state organizations as well as from cultural and educational establishments. By the beginning of 2012, the restricted access list included around 60 Web-sites. Apart from the Websites with pornographic, terrorist, and extremist materials, the ban list includes the abovementioned *www.charter97.org*, *www.belaruspartisan.org* as well as *www.spring96.org* ('Viasna' Center for Human Rights), *www.prokopovich.net*, *www.prokopovi.ch*, and Lipkovich's blog section in LiveJournal.

The Code on Administrative Offences of Belarus was supplemented by article 22.16 - "Violation of Demands on the Use of the National Segment of the Internet" in November 2011. The legal norm came into force in January 2012. It introduced fines for the legal entities that violate the law, while providing the Internet-services or making use of the Internet for sales, performance of work, or rendering of services. Moreover, the Internet providers are punished, if they fail to restrict access to the 'banned' Web-sites from governmental organizations as well as from cultural and educational establishments. Also, the Internet providers are penalized, if they fail to register their Internet users or identify their modem devices. Common Belarusian Web users are not liable to the fines at that.

The unauthorized intervention into the 'Charter 97' Web-site activity took place at the end of 2011. The unknown computer hackers stole passwords and started to destroy the Web-site materials. Also, they stored a provocative article on the Web-pages. The 'Charter'97' editorial didn't have any connection to the publication.

A powerful DDoS-attack on *www.charter97.org* started, when the Web-site was restored. According to the Web-site Editor Natallia Radzina, the unknown violators were trying to crack some other Web-sites too. Also, they made attempts to break into the e-mail boxes of some politicians, journalists, and public figures. Independent observers believe that the malicious acts could have been committed by the Belarusian special services.

ECONOMIC DISCRIMINATION OF INDEPENDENT MASS MEDIA



The governmental authorities continued to apply the policy of economic discrimination of independent mass media, on the one hand, as well as material and administrative preferences to the state-owned media, on the other hand.

The state-owned media outlets received subsidies out of competition from the state budget. The lists of editions were approved by the government and the local executive authorities. Also, the subsidy was issued to the 'Sovietskaya Belorussia' daily, founded by the Belarusian President's Office.

All in all, the sum of around EUR 54,000,000 was assigned from the national budget to support all state-owned media, including TV and radio broadcasters.

At the same time, the non-state media had to pay for the newsprint as well as the printing and other serviced that exceeded considerably the tariffs for state media. The difference between the newsprint prices at Shklou Printing House for the state-owned and non-state media totaled nearly 80%.

The paper mill marketing department specialists noted that the newsprint was sold to the state-owned newspapers at the prices, reflected in the state order contract. All other periodicals were expected to purchase it at the commodity exchange.

CONCLUSION

The pressure on Belarusian mass media and journalists was exerted in different ways in 2011. The list of repressive tools included criminal prosecution, the use of violence, searches, administrative arrests, and termination of media activity. The pressure increased considerably in the periods of important public events or in connection with the general aggravation of situation in the country.

The official authorities made attempts to restrict the freedom of speech in all Belarusian regions and in all areas of Belarusian media field. Among other, the repressive steps included termination of 'Autoradio' FM station broadcasting, initiation of closure of printed periodical editions, endeavors to put the Internet under control and restrict the Web-users' activity, prevention of journalists from implementing their professional duties, adoption of 'ban lists' with concrete surnames of musicians, performers, literary men etc.